

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

TROY GAINES, Husband and Wife; and
KATHERINE CROUSE-DAZZO,
Husband and Wife;

Plaintiffs,

vs.

STATE FARM FIRE AND CASUALTY
COMPANY,

Defendant.

8:20CV385

AMENDED PROGRESSION ORDER

This case is before the court on the parties' joint motion to amend progression deadlines (Filing No. 31). After consideration, IT IS ORDERED that the motion (Filing No. 31) is granted and the final progression order is as follows:

- 1) The trial and pretrial conference will not be set at this time. The status conference currently set for October 8, 2021 at 10:00 AM is cancelled and is reset before the undersigned magistrate judge on **December 8, 2021 at 9:00 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
- 2) The deadline for completing written discovery under Rules 33, 34, 36 and 45 of the Federal Rules of Civil Procedure is August 30, 2021. Motions to compel written discovery under Rules 33, 34, 36, and 45 must be filed by August 30, 2021.

Note: A motion to compel, to quash, or for a disputed protective order shall not be filed without first contacting the chambers of the undersigned magistrate judge to set a conference for discussing the parties' dispute.

- 3) The deadlines for identifying expert witnesses expected to testify at

the trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiff(s): August 13, 2021.

For the defendant(s): September 10, 2021.

- 4) The deadlines for complete expert disclosures¹ for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiff(s): September 10, 2021.

For the defendant(s): October 5, 2021.

- 5) The deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, is November 29, 2021.
- 6) The deadline for filing motions to dismiss and motions for summary judgment is January 14, 2022.
- 7) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is January 14, 2022.
- 8) Motions in limine shall be filed seven days before the pretrial conference. It is not the normal practice to hold hearings on motions in limine or to rule on them prior to the first day of trial. Counsel should plan accordingly.
- 9) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- 10) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge, including all

¹ While treating medical and mental health care providers are generally not considered “specially retained experts,” not all their opinions relate to the care and treatment of a patient. Their opinion testimony is limited to what is stated within their treatment documentation. As to each such expert, any opinions which are not stated within that expert’s treatment records and reports must be separately and timely disclosed.

requests for changes of trial dates. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 7th day of July, 2021.

BY THE COURT:

s/ Cheryl R. Zwart

United States Magistrate Judge